FILED
08 MAY 16 AM 10:57
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1524

UNITED STATES OF AMERICA, Plaintiff, v. **Sergio GUZMAN-Sosa Katrina CUELLAR,** Defendant(s)	Magistrate Case No. COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **May 15, 2008,** within the Southern District of California, defendant **Sergio GUZMAN-Sosa and Katrina CUELLAR** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Pedro JIMENEZ-Vazquez and Marco AGUILAR-Paez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **16th** DAY OF **MAY 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Sergio GUZMAN-Sosa
Katrina CUELLAR

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Pedro JIMENEZ-Vazquez and Marco AGUILAR-Paez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 15, 2008 at approximately 11:15 am, Border Patrol Investigations Agents were working in the Murrieta Border Patrol area of operations. Agents were performing their duties in unmarked Agency vehicles and in a plain clothes capacity. Supervisory Border Patrol Agent A. Velez was traveling northbound on Interstate 15 near the Fallbrook, California area and noticed a vehicle that appeared to be suspicious driving beside him. The vehicle was identified as a white Chrysler sedan. Agent Velez noticed that the driver of the vehicle was wearing a long sleeve dress shirt and the front passenger was wearing sunglasses and a heavy coat with a fur trim hood. Agent Velez thought that this was odd dress attire due to the current temperature being in the high 90's and lower 100's. Agent Velez then noticed that the vehicle had a change of registration sticker in the upper left hand corner of the rear window. He then ran a registration check through dispatch and was notified that the vehicle was registered out of Spring Valley, California with no current change of registration on file through the Department of Motor Vehicles. Agent Velez then noticed black material dangling from the closed trunk of the vehicle that resembled a shirt sleeve. Agent Velez believed that this could have been clothing from a person concealed within the trunk. Agent Velez relayed this information and his observations to other Agents.

Agents P. Castillo and N. Mondragon responded to Agent Velez' location and assumed visual of the vehicle near the Winchester Exit in Temecula, California. Agents decided to perform a vehicle stop for immigration purposes. Agent Mondragon, driving a marked Agency vehicle, pulled in behind the vehicle and activated his lights and siren. The vehicle did not yield and immediately accelerated. The vehicle then became caught in congested traffic and eventually pulled over to the shoulder after approximately three and a half miles near the California Oaks Exit in Murrieta, California. Once at a complete stop Agents Velez, Castillo and Mondragon approached the vehicle and identified themselves as Border Patrol Agents to the occupants. They then began questioning all the occupants of the vehicle as to their citizenship and immigration status to be in the United States. The driver, later identified as defendant #1 **Sergio GUZMAN-Sosa**, stated that he was a citizen and national of Mexico. He further stated that he was illegally in the United States without immigration documentation to remain. The front passenger, later identified as defendant #2 **Katrina CUELLAR**, stated that she was a United States citizen. The two occupants in the backseat individually stated that they were citizens and nationals of Mexico and that they crossed and were currently in the United States illegally without immigration documentation to remain. At approximately 11:30 am, all of the occupants and the vehicle were taken into custody and transported to the Murrieta Border Patrol Station for further investigation.

CONTINUATION OF COMPLAINT:
Sergio GUZMAN-Sosa
Katrina CUELLAR

DEFENDANT #1 Sergio GUZMAN-Sosa STATEMENT:

Sergio GUZMAN-Sosa was advised of his Miranda rights. GUZMAN stated that he understood his rights and was willing to answer questions without a lawyer present. GUZMAN stated that he was born in Torreon, Coahuila, Mexico and has have never had immigration documents.

GUZMAN stated that the vehicle he was arrested in today belongs to his girlfriend, defendant #2 Katrina CUELLAR whom he has known for about four months. GUZMAN stated that last night he stayed at a hotel with CUELLAR and that a friend, identified as "Jose", met up with him this morning and asked him to give two subjects a ride to Los Angeles, California. GUZMAN stated that he agreed but said he did not know if he was going to be paid. GUZMAN stated that his friend "Jose" gave him $150.00 for gas.

GUZMAN stated that he knew the people he picked up were in the United States illegally and he was hoping he was going to get paid for his trip and give his Katrina CUELLAR some of the money

DEFENDANT #2 Katrina CUELLAR STATEMENT:

Katrina CUELLAR was advised of her Miranda rights. CUELLAR stated that she understood her rights and was willing to answer questions without a lawyer present. CUELLAR stated that she is a United States citizen.

CUELLAR stated that last night she stayed at a hotel with her boyfriend, defendant #1 Sergio GUZMAN-Sosa. CUELLAR stated that a friend of GUZMAN, only identified as "Jose", met with them this morning and asked them to give two subjects a ride to Los Angeles, California. CUELLAR stated that GUZMAN agreed. CUELLAR stated that she knew the people they picked up were in the United States illegally but she said she was not going to question them as to their status

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Pedro JIMENEZ-Vazquez and Marco AGUILAR-Paez** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Tijuana Baja California, Mexico to be smuggled into the United States. The two material witnesses stated that they were to pay a fee to be smuggled to Los Angeles, California. When shown a photographic lineup, the two material witnesses were able to identify the two defendants **Sergio GUZMAN-Sosa** and **Katrina CUELLAR** as the driver and passenger of the vehicle that was to take them to Los Angeles.